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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,936	12/19/2005	Peter Moeller-Jensen	2002010-US	4770
69289 7590 09/02/2010 COLOPLAST A/S Attention: Corporate Patents Holtedam 1 DK-3050 Humleback, DENMARK				
EXAMINER SCHELL, LAURA C				
ART UNIT 3767		PAPER NUMBER		
NOTIFICATION DATE 09/02/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@coloplast.com  
dkbvd@coloplast.com

### Office Action Summary

**Application No.**

10/520,936

**Applicant(s)**

MOELLER-JENSEN ET AL.

**Examiner**

LAURA C. SCHELL

**Art Unit**

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13, 15-17 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 15-17 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 7 and 12 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Massalsky (DE585360). Massalsky discloses an irrigation system (Figs. 1-4) comprising a reservoir (reservoir would be attached to tubes p and n) for irrigating liquid, a probe (b) for arrangement in a user, a conduit for conducting the irrigating liquid from the reservoir to the probe (the conduit is being interpreted as being comprised of portions g/l and p/n), a fixation member (d) including an inflatable cuff for fixation of the probe in the user, a pump (the pump is being interpreted as including portions u, t, r, s and h as these all appear to be what conducts the pump pressure to the different conduits) for pumping gas into the reservoir to transfer the irrigating liquid from the reservoir to the probe (it appears that air is pumped by u through t into r, through h and down through conduit p which displaces the irrigating fluid up through n, as evidenced by the arrows at the ends of p and n, and the fluid in n is then introduced to g where it is directed by k) and a control unit (h) which may be set in at least a cuff inflating position and a liquid transferring position (Fig. 1 discloses that knob s may be set in two different positions), said control unit including movable elements, each movable element

movable with respect to each other movable element into at least said cuff inflating and liquid transferring positions (Figs. 1 and 3. Elements r and q are movable with respect to each other and move with respect to h when h is stationary. However, it can also be looked at from a different perspective. For instance, while this may seem to be a less likely implementation of the device by the user, the user may physically rotate h while the other two elements remain stationary. Again, this may seem like a less likely implementation, however it is perfectly capable of being performed/used this way. Therefore based on which perspective one takes when looking at the rotation of the different elements, they can all be said to be movable relative to each other), said elements including a first disc (Fig. 3, the first disc is being interpreted as h) connected with at least an irrigating liquid tube connecting the control unit with the probe (Fig. 3 discloses that irrigating liquid tube n is connected to h via extension m which then allows the control unit to conduct the liquid to the probe through g), a second disc (Fig. 3, the second disc is being interpreted as r) connected with at least an irrigating liquid tube connecting the reservoir with the control unit (r is connected with irrigating liquid tube n/m via its connection with v. As described above, n is connected to a reservoir), and an intermediate disc positioned between and being rotatable about an axis of rotation with respect to the first and second discs, said intermediate disc being settable in at least said cuff inflating and liquid transferring positions (the intermediate disc is being interpreted as q as it is between h and r. It appears that q can rotate such that v and rv can be positioned such that they are either in communication with m and g or so that they are in communication with o and g).

In reference to claim 12, Massalsky discloses that the intermediate disc is formed from a resilient material (Fig. 1 discloses that r is a resilient material).

### ***Allowable Subject Matter***

Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13, 15-17, 29-31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Independent claim 13 as well as dependent claims 15-17 are allowed because the subject matter of dependent claim 14, which was not found, was added to independent claim 13, in combination with the other elements of the claims.

Independent claim 29 and dependent claims 30 and 31 are allowed because the subject matter that could not be found is the arrangement of the five canals within the cylindrical element and the arrangement of the five canals in relation to each other, in combination with the other elements of the claims.

### ***Response to Arguments***

Applicant's arguments filed 6/16/2010 have been fully considered but they are not persuasive. As explained in the modified rejection above, it is the examiner's position that all of the three elements (h, r and q) can be considered movable with respect to each other, based on the perspective the user is taking. For instance, while h

remains stationary when r and q move with respect to it, if one physically turns/rotates h while keeping r and q stationary, then they can all be said to be movable with respect to one another, based on a different perspective of looking at the movement of the objects.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LAURA C. SCHELL** whose telephone number is (571)272-7881. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Schell/  
Examiner, Art Unit 3767  
/KEVIN C. SIRMONS/  
Supervisory Patent Examiner, Art Unit 3767